

## Liggins, Shirley

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**From:** Eckard, Sharon  
**Sent:** Thursday, September 15, 2016 3:41 PM  
**To:** Mason Ailstock; 'steve.earp@smithmoorelaw.com'; Daphne Jones  
**Cc:** Liggins, Shirley; Nicholson, Bruce; Scott, Michael; Kritzer, Jamie; Watson, Samuel  
**Subject:** Approval to Proceed to Public Comment - RTP - 8, Durham & Wake Counties  
**Attachments:** BF NBP RTP 8 Wake County.pdf; BF NBP RTP 8 Durham County.pdf; BFA RTP 8.pdf; BF NI RTP 8.docx; BF SNI RTP 8.docx; Exhibit 1.pdf; 2018-08-12 RTP 8 Durham Co Plat\_Letter size.pdf; 2018-08-12 RTP 8 Wake Co Plat\_Letter Size.pdf; RTF Legal Desc Durham Co.docx; RTF Legal Desc Wake Co.docx

Steve & Daphne - Michael Scott, Director of DWM, has provided DWM's approval to proceed to the public comment period for the RTP-8 Site in Durham/Wake Counties.

Based on acceptance by the Prospective Developer of drafts of all four required brownfields documents -- the Notice of Intent to Redevelop a Brownfields Property (NI), Summary of Notice of Intent to Redevelop a Brownfields Property (SNI), Notice of Brownfields Property (NBP) and the Brownfields Agreement (Exhibit A to the NBP) -- and DEQ's approval of the plat component of the NBP, Prospective Developer may now proceed to the tasks required by NCGS § 130.310.34(a) in connection with the required public notice and comment period of at least 30 days regarding the subject brownfields project. Copies of the NI, SNI, NBP (for each county), BFA with its Exhibit 1, approved plat (for each county), and Exhibit C (for each county), are attached.

The public notice tasks are as follows:

1. Publish the approved SNI in a newspaper of general circulation serving the area in which the brownfields property is located,
2. Conspicuously post a copy of the SNI at the brownfields property,
3. Mail or deliver the SNI to each owner of property contiguous to the brownfields property,
4. Provide a copy of the full NI to the local location where it will be available for public review as stated in the SNI, and
5. Provide a copy of the full NI, consisting of the one-page NI and the NBP with its three exhibits (the Brownfields Agreement, the survey plat, and the legal description), to all local governments having jurisdiction over the brownfields property.

Pursuant to NCGS § 130.310.34(b), the public comment period shall begin following completion of the above tasks. **The NI and SNI, with a date filled in representing our belief as to how long it will take you to complete those tasks by September 30, 2016, are attached hereto.** The comment period shall not end any sooner than 30 days after you complete the tasks.

**For the full documentation, be sure to include an Exhibit 1 (i.e., a site location map) to the BFA (Exhibit A to the Notice of Brownfields Property), an 8.5 x 11" reduction of the full size plat & a copy of the full size plat as Exhibit B to the Notice of Brownfields Property, and the Legal Description as Exhibit C to the Notice of Brownfields Property.**

NCGS § 130.310.34(b) also requires the Prospective Developer to submit documentation of the public notices to DEQ prior to DEQ entering into a Brownfields Agreement. That documentation shall be submitted by

promptly providing to me, preferably at [sharon.eckard@ncdenr.gov](mailto:sharon.eckard@ncdenr.gov) or at Brownfields Program, 1646 Mail Service Center, Raleigh, NC 27699-1646, the following:

- Affidavit of publication of the SNI from the newspaper or a copy of the SNI published in the newspaper which shows the name of the newspaper and the date of publication. Since this can take time, in the interim, please provide a copy of the SNI as published that indicates the name of the newspaper and the date of publication.
- Photos of the SNI posted at the site, one close up to show the wording and one far enough to show the posting location relative to the property,
- Copies of the cover letters and copies of the mailing receipts stamped by the post office or copies of the delivery service receipts for the SNI sent to contiguous property owners,
- A letter from each location confirming receipt of the full NI from each local government entity and the entity where the document will be available for viewing, but at a minimum provide copies of your letters transmitting the NI to each location, and the certified return receipts.

Be aware that discovery of noncompliance with these requirements (e.g., failure to mail or deliver the SNI to actual contiguous property owners), through the Brownfields Program's compliance monitoring or otherwise, will subject the Prospective Developer to additional liability for remediation of the brownfields property's contamination.

Thank you for your attention to these matters. If you have any questions or require additional information, please contact me at (919) 707-8379 or by email. The start date of **September 30, 2016** will be published as the start date of public comment on our website, so please advise if you need to extend the date.

Thanks,  
Sharon

**Sharon Poissant Eckard, PG**  
Eastern District Supervisor  
Division of Waste Management – Brownfields Program  
NC Department of Environmental Quality

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